

REMARKS

In the Office Action dated September 11, 2006, claims 1, 15 and 21 were rejected under §112, paragraph 2; and claims 1-21 and 23-25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,182,279 (Buxton) in view of 5,758,154 (Qureshi).

REJECTION UNDER 35 U.S.C. § 112, ¶ 2

The Office Action rejected the language “wherein the command line utility is a utility executable from a command line prompt” as being indefinite. The Office Action asserted that Applicant is acting “as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning...” 9/11/2006 Office Action at 3.

The Office Action has cited to no evidence that would indicate that the definition of “command line utility” provided in each claim is contrary to the ordinary meaning of the term “command line utility.” The Office Action cited to a reference by Deitel, entitled “Operating Systems,” for the proposition that a “command line consists of a command name (i.e., the name of an executable file), followed by a list of arguments separated by blanks.” Deitel provides an explanation of what a command line is. However, the explanation provided regarding “command line” by Deitel does not contradict the definition of “command line utility” provided in the claims.

The Office Action further made the statement that the “accepted meaning” of “command line utility” is “literally ‘a utility that is executed from a command line prompt.’” 9/11/2006 Office Action at 4. Except for replacing “executed” with “executable”, there appears to be nothing in Applicant’s definition of “command line utility” that is inconsistent with what the Office Action asserted is the “accepted meaning” of “command line utility.”

Clearly, Applicant has not acted as his or her lexicographer when it comes to the definition of “command line utility.” The definition of “command line utility” provided by the claims is consistent with the understanding of a person or ordinary skill in the art.

Support for the definition of “command line utility” provided in the claims can be found at least on page 4, in the paragraph beginning at line 5, of the present specification.

In view of the foregoing, withdrawal of the §112 rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

The Office Action continued to maintain that it is reasonable to broadly interpret “command line utility” to mean “an executing application that commands a utility to store/retrieve output.” 9/11/2006 Office Action at 2. Effectively, the Office Action appears to have completely ignored express language of each of the claims. Claim 1 explicitly recites that the “command line utility is a utility executable from a command line prompt.” Rather than using the express definition of “command line utility” provided in the claims to render the obviousness rejection, the Office Action has instead adopted a completely un-related definition that ignores express claim limitations, which is clearly improper.

The Office Action continued to rely upon subject matter described in the following passage of Buxton in the obviousness rejection: col. 7, lines 65 - col. 8, line 10. In this passage Buxton refers to elements of an operating system that interacts with a component system 200, where such elements of the operating system include an OLE container 220, OLE libraries 230 and application programming interfaces (APIs) 240. Buxton, 7:51-61.

As described by Buxton, the OLE container 220 interacts with the WIN32 APIs 240 through OLE libraries 230 to insert OLE objects or controls into an operating system registry. Buxton, 7:66-8:2. Examples of the OLE container that can interact with the WIN32 API 240 to insert OLE objects or controls into the operating system registry consist of Lotus Notes and Microsoft Word. Buxton, 8:2-6. As further explained in the cited passage, OLE libraries 230 include a set of system-level services in accordance with the OLE specification that function to call the WIN32 API to locate registry objects. Buxton 8:6-11. There is no teaching or suggestion anywhere in Buxton that the OLE container 220 (which can modify registry entries) can be substituted with a command line utility as recited in claim 1.

The Office Action took “official notice” that “an executable command to modify the registry is capable of being executed from a command line prompt.” 9/11/2006 Office Action at 6. There is absolutely no suggestion anywhere in Buxton that the OLE libraries are able to call WIN32 APIs to modify the operating system registry are executable from a command line prompt. Thus, the official notice taken by the Office Action is completely unsupported by the factual evidence. If a reference exists which teaches that OLE libraries are executable from a

command line prompt, Applicant respectfully requests the production of such a reference. Without this reference, the taking of official notice is improper.

In any event, the Office Action conceded that Buxton fails to disclose a “command line utility” as recited in claim 1. 9/11/2006 Office Action at 7. Instead, the Office Action relied upon Qureshi as disclosing the subject matter not disclosed by Buxton. However, it is respectfully submitted that that Qureshi also does not teach or suggest use of any type of command line utility. The Office Action refers to registration routines described in Qureshi as being the command line utility. The registration routines described in Qureshi include DllRegisterServer and DllUnregisterServer routines that are part of a registration DLL. Qureshi, 4:49-51; 8:17-21. These registration routines are *not* command line utilities.

The Office Action stated that “‘registration’ of templated components is accomplished by a command of a system utility to modify the registry.” 9/11/2006 Office Action at 3. The Office Action also asserted that the “registration process involves DllRegisterServer.exe, a small executable program.” *Id.* However, a “small executable program” is not a “command line utility” that is “executable from a command line prompt.”

The Office Action further asserted that the Microsoft Computer Dictionary’s definition of “command line” and “utility” supports the obviousness rejection. There is nothing in the Microsoft Computer Dictionary to contradict the definition of “command line utility” provided by claim 1. Moreover, there is nothing in the Microsoft Computer Dictionary to suggest that the registration routines of Qureshi are command line utilities that are executable from a command line prompt. In fact, the registration routines of Qureshi are DLL (dynamic link library) routines, which are library routines, not command line utilities.

In view of the foregoing, it is clear that the hypothetical combination of Buxton and Qureshi does not teach or suggest all elements of claim 1. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1. *See*, M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 5) at 2100-126.

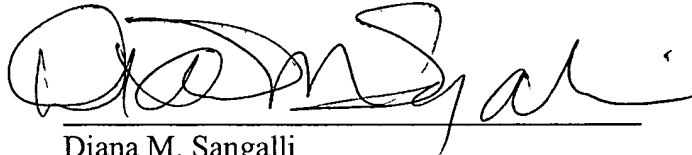
Independent claims 15 and 21 are similarly non-obvious over Buxton and Qureshi.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the foregoing, allowance of all claims is respectfully requested.

Appln. Serial No. 09/449,782  
Amendment Dated December 11, 2006  
Reply to Office Action Mailed September 11, 2006

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (MCT.0132US).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Diana M. Sangalli', written over a horizontal line.

Date: December 11, 2006

Diana M. Sangalli  
Registration No. 40,798  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
Telephone: (713) 468-8880  
Facsimile: (713) 468-8883